

CUSTOMER NO.: 24498
Ser. No. 10/538,960
Office Action dated: 12/10/08
Response dated: 04/08/09

PATENT
PF020161

Remarks/Arguments

Claims 1 and 5 – 14 are pending in the application. Claims 1, 10, 11, 13 and 14 are independent.

In the present response, claims 1, 10, 11, 13 and 14 are amended. No new matter is added.

Rejection of claims 1 and 5 – 14 under 35 USC §112, second paragraph, as being indefinite

In the Office Action, the Patent Office alleged that the use of the term "time slot" leads to confusion.

For the sake of clarity, "time slot" is replaced with "time span" (Applicants' specification, page 15, line 8 "According to the time spans between two calls...") for the first type of results to make a clear distinction from the second type of results. Therefore, Applicants have clarified that a time span is where a time interval between 2 occurrences falls while a time slot is where an occurrence falls. For the sake of clarity, the phrase "a plurality of time slots" is removed from claims 1, 10, 13, 14, because the phrase "each slot of" already implies that there exist several time spans.

For the sake of clarity, the word "occurrences" is replaced by "said occurrences" in claims 1, 10, 13, 14 where antecedent exists and refers to each occurrence of a physical event.

Applicants submit that the claims are now definite. Withdrawal of the rejection of claims 1 and 5 – 14 under 35 USC §112, second paragraph, is respectfully requested.

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Rejection of claims 1, 5, 6 and 9 – 14 under 35 USC §102(b) as being anticipated by Rainey et al. (US Pat No 5,799,315) (hereinafter "Rainey")

Applicants submit that for at least the following reasons, claims 1, 5, 6 and 9 – 14 are patentable over Rainey.

For example, claim 1, in part, requires:

"means for recording in at least one metering file, information containing said condensed results in predefined data structures of prefixed sizes, so as to make it possible to keep the size of said file constant even when information regarding a new occurrence of a physical event is recorded." (Emphasis added)

Applicants submit that Rainey does not teach or suggest a data file with constant size regardless of the number of physical events.

Rainey, column 5, lines 1 – 7, recites:

"FIG. 6 shows the result of using regular spacing intervals as a basis for event tagging, in this example defining four quadrants per page of input data. This is useful when one wants to minimize the amount of file space devoted to tagging--since line-by-line or minute-by-minute tagging may generate many more tags--and additionally provides a spatially intuitive tagging scheme." (Emphasis added)

From the above passage, it is clear that Rainey teaches that the data file size can vary with the number of data entries because using regular spacing intervals as a basis for event tagging to minimize the amount of file space devoted to tagging implies that the file space is not constant. In other words, Rainey does not teach or suggest a data file with constant size regardless of the number of physical events. Therefore, Rainey fails to disclose the claimed features: means for recording in at least one metering file, information containing said condensed results in predefined data structures of prefixed sizes, so as to make it possible to keep the size of said file constant even when information regarding a new occurrence of a physical event is recorded.

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In addition, claim 1, in part, also requires:

"a first type of results consisting, for each slot of time span, of the number of times that a time interval between two consecutive of said occurrences falls within said time span."

Applicants submit that nothing in Rainey teaches or even suggests the above claimed features. Rainey teaches associating metadata to a data entry in a structured data file where events are organized as a list (column 6, lines 1 – 13). Rainey also teaches generating events with time span, such as an event is generated each time a user touches a document after a given minimum time where no pen contact has been made (column 9, lines 35 – 40). In Rainey, a time tag is associated to each event regardless of the way the event is generated. Thus events are filtered with a time interval, i.e. the events are added to event lists as it could be done in a structured log file. In contrast, in the claimed invention, a number of time intervals between events is associated to each time span, providing a statistical method to store time tags based on sampling. Therefore, Rainey fails to disclose: a first type of results consisting, for each slot of time span, of the number of times that a time interval between two consecutive occurrences falls within the time span.

Furthermore, claim 1, in part, requires:

"a second type of results consisting of numbers of said occurrences per consecutive time slot of a predetermined period."

Rainey discloses that the data files can be used to generate a time or event-based history of the document to identify or determine all noted or drawings made in a certain time interval (column 9, lines 23 – 29). Thus, Rainey only suggests a posteriori analysis of stored event tags to determine number of data entries in a certain time interval, but does not teach or suggest a statistical method to store events. Therefore Rainey fails to disclose: a second type of results consisting of numbers of said occurrences per consecutive time slot of a predetermined period.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over Rainey. Independent claims 10, 11, 13 and 14 contain at least several similar

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distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to each of the independent claims, pointing out why they are patentable over Rainey.

Claims 5, 6, 9 and 12 are patentable at least because they respectively depend from and inherit all the features of claims 1 and 11, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1, 5, 6 and 9 – 14 under 35 USC §102(b) is respectfully requested.

Rejection of claim 7 under 35 USC §103(a) as unpatentable over Rainey in view of Longman et al. (US PGPub 2002/0064260) (hereinafter Longman)

Rejection of claim 8 under 35 USC §103(a) as unpatentable over Rainey in view of Klein (US 5,541,845)

Applicants submit that none of the secondary references can bridge the feature gap between Rainey and claim 1 as discussed above. Therefore, claims 7 and 8 are patentable at least because they depend from claim 1, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 7 and 8 under 35 USC §103(a) is respectfully requested.

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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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